IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.
Writ Petition No. 445(M/B) 2003

Ajay Kumar Singh ……..Petitioner

Versus

State of Uttaranchal. …….Respondents.

Sri Lalit Kumar, Advocate for the petitioner
Sri N.B. Tiwari, Learned Chief Standing Counsel

Coram: Hon'ble S.H. Kapadia, C.J.
Hon'ble Rajesh Tandon, J.

26.08.2003:

P.C. :-

By this petition, petitioner seeks the writ of mandamus against the respondents asking the respondents to prepare the tentative seniority list of officers belonging to 1988 batch of P.C.S. Executive Branch Officers. As per rule 9 of U.P. Government Service & Seniority Rules 1991, the petitioner who was on probation was declared as the successful candidate on 24th December 1998 in the competitive examination when he was selected for the post of Basic Siksha Adhikari, Hill Cadre in administrative capacity. He was posted as principal in Government Inter College, Mussoorie on 27th December, 1998. The petitioner submits that as per U.P. Government Service Rules concerning the Executive Branch, the petitioner is due to grant of time scale of pay and also for promotion to his rank in future. But till date, the tentative seniority list of batch 1998 has not been prepared by the State of Uttaranchal. He, therefore, seeks a writ of mandamus against the State directing it to fix the tentative seniority list and also his seniority in that list. The petitioner states that the State has not acting in the matter as per rule 9 of U.P. Government Service Seniority Rules, 1991. He invoked the doctrine of inaction on part of the State of State of Uttaranchal. Till date, however, he has not made any representation to the State for preparing the tentative seniority list. In this circumstance, this writ petition is pre-mature, hence rejected. This order will not come in the way of petitioner from moving this

Court, if the Government does not move in time after the representation is made by the petitioner.

(Rajesh Tandon, J.) (S.H. Kapadia, C.J.)

MSP